

REMARKS

This amendment is being filed in conjunction with a Request for Continued Examination (RCE) and in response the final Office Action mailed on February 26, 2008. In that Office Action, claims 1-18 were rejected on prior art grounds. Claims 1, 9, 10, and 18 have been amended. Claims 19 and 20 have been added. Accordingly, claims 1-20 are currently pending in the application. All of the claim amendments are supported by the original disclosure and no new matter has been entered.

Claim Rejections under §102(e)

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Vieweg (U.S. Patent 6,611,194). The rejection is respectfully traversed for the reasons discussed below.

As noted in Applicants' last response, Vieweg is directed to a method for inserting a service key in a terminal. Vieweg discloses the retrieval of encrypted service data transmitted to a terminal from a service center via a communication channel. For instance, a terminal contains a decoding key that is placed in the terminal during manufacture. A service center encodes a service key with a coding key and transmits the service key to the terminal. The terminal can then decode the service key with the decoding key and use the service key to decode encrypted data transmitted by the service center.

Vieweg indicates that the service keys can be used to control subscription services. In the background section, Vieweg states that it may be desirable for the service keys to be registered only for a period of time so that they expire in the terminal. Then, Vieweg states in the summary section that his method allows for the insertion of new service keys when a subscription period has expired for a particular service. Other than these two single sentence excerpts, Vieweg appears to be entirely silent on the issue of his service key expiration. Nonetheless, the Examiner has relied heavily on these two sentences to conclude that Vieweg teaches deactivation of a vehicle telematics device.

In particular, in his response to arguments section of the detailed action at page 8, the Examiner asserts that Vieweg discloses at Col. 2, lines 41-45 the claimed step of "maintaining subscription service data at the vehicle telematics device." However, the noted section of Vieweg simply discloses the terminal identity number that is used by the trust center in assigning the decoding key. Nowhere does Vieweg teach or suggest that this terminal identity number contains any expiration information or that it is otherwise used for such a purpose. Nor does the Examiner's quoted portion of Vieweg from Col. 2, lines 27-34, disclose any such subscription service data, but rather it states that network security mechanisms can be used when an encryption key is initially inserted into the terminal by the manufacturer at the time of manufacturing (as opposed to later by the service center). This has nothing to do with subscription service data that is used in deactivating a telematics unit, as recited in the claims.

To help clarify the distinctions between the claimed subject matter and Vieweg, claim 1 has been amended to specify that, in deactivating the telematics unit, the method includes placing a communication from the vehicle telematics device and surrendering at least one identification number previously assigned to the vehicle telematics device. As discussed in the application, this communication can be, for example, a call to the service provider (e.g., call center), and this can be done to confirm deactivation and to disassociate the vehicle telematics device from the vehicle telematics device subscription service. The communication can instead (or additionally) be a connection to the wireless carrier service, in which case the telephone number assigned to the telematics device can be recycled and used for new customers (e.g., for activating another wireless phone or telematics device on the wireless network). Deactivation via other communications from the telematics unit can possibly be used as well.

Vieweg nowhere teaches or suggests such steps. In particular, apart from the distinctions noted above concerning Applicants' claimed subscription service data versus Vieweg's terminal identity number, keys, and network security features, the Vieweg reference does not disclose or suggest any of the following: (1) deactivating the vehicle telematics device; (2) deactivating by placing a communication; and (3) deactivating by

surrendering at least one previously assigned identification number. Each of these will be discussed below.

Vieweg does not Disclose or Suggest Deactivating a Vehicle Telematics Device

This deficiency of Vieweg was pointed out in Applicants' last response and, in reply, the Examiner has stated at Page 8 of the most recent Office Action that Vieweg discloses that, "[i]f a user of Vieweg's system does not receive the new key, his service is effectively deactivated." Applicants respectfully submit that expiration of a service due to expiration of the service key is not the same as deactivating a telematics device. Vieweg is preventing access to a service that may be implemented via a telematics device, but it nowhere teaches deactivation of the device itself. Expiration of a service key would amount to "effectively deactivating" the telematics device only if that device were not used for any other service, and even then might still not be an effective deactivation because, in cellular systems, for example, the telematics device would still be active with the cellular system, and thus still using resources and having the disadvantages noted by Applicants at the end of paragraph [0005] of their published application. In this regard, Applicants note that Vieweg expressly discloses not only that the method can be used in conjunction with a plurality of services (not just one), but also that it can operate in conjunction with a plurality of service providers (see 3 and 4 in his Fig. 2), and Vieweg expressly states at Col. 2, lines 46-49, that the terminal can receive keys from a plurality of service centers. Thus, expiration of any one particular key does not necessarily mean that the terminal is deactivated; to the contrary, it would appear that the terminal is specifically not deactivated since it can continue to be used to provide other services or even to receive a new (replacement) service key for the one that expired.

Vieweg does not Disclose or Suggest Deactivating by Placing a Communication

Claim 1, as amended, specifies that the deactivation step of that claim is carried out by placing a communication from the vehicle telematics device. This is not disclosed by Vieweg, nor is there any disclosure in that reference that would suggest this limitation. Rather, to the extent that Vieweg's expiration of a service key could be considered

deactivation of a service, it does not involve placing any communication from the vehicle. Instead, Vieweg teaches placing a communication for the complete opposite reason; namely, to re-activate; that is, to obtain a new service key that replaces an expired one. Vieweg nowhere teaches or suggests placing any communication for the purpose of deactivating service, much less a telematics unit, as claimed.

Vieweg does not Disclose or Suggest Deactivating by Surrendering at least one Previously Assigned Identification Number

This feature of amended claim 1 is not disclosed or suggested by Vieweg. Rather, Vieweg merely discloses by brief mention in the summary section that new keys can be provided when a subscription period has expired, but it nowhere discloses or suggests surrendering a previously assigned identification number as a part of deactivating a device. As noted in Applicants' specification, this claimed deactivation process and associated surrendering of a cellular or other identification number can be used in some embodiments to allow inactive devices to be removed from the wireless carrier system, and can also be used to allow re-use of the surrendered number. The terminal identity number discussed in Vieweg is not one that is surrendered upon expiration of a service key; rather, it is the same or similar to a serial number such as an ESN that is permanently associated with the terminal device. See, Col. 3, lines 35-38, where Vieweg states that the terminal identity number is provided permanently in the terminal. Moreover, Vieweg does not disclose anything else that would constitute an identification number that is surrendered as a part of deactivating a telematics unit. The decoding key is not an identification number, nor is it surrendered when a service key expires.

Accordingly, Applicants respectfully submit that claim1 patentably defines over Vieweg and the other prior art of record. Claims 2-9, and new claims 19 and 20 each ultimately depend from claim 1 and should be allowed therewith. Furthermore, independent claims 10 and 18, while directed to different statutory subject matter, have both been amended to include limitations consistent with those discussed above, and thus should be allowed on the same basis. Claims 11-17 each ultimately depends from claim 10 and should be allowed therewith.

Conclusion

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees, or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

Date: July 28, 2008
JDS/dim

James D. Stevens
Registration No. 35,691
P.O. Box 4390
Troy, Michigan 48099
(248) 689-3500